

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Molly F. Kulesz-Martin

Art Unit: 1642

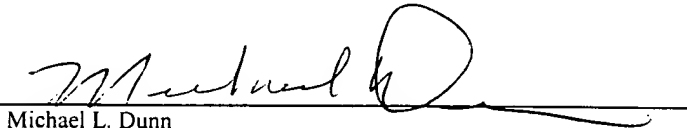
Serial No: 08/811,361

Filed: March 4, 1997

Examiner: G. Bansal

For: p53as PROTEIN AND
ANTIBODY THEREFOR

I certify that this **LETTER** is being deposited on **May 30, 2001** with
the U.S. Postal Service as first class mail addressed to the
Assistant Commissioner for Patents, Washington, D.C. 20231


Michael L. Dunn

Registration No. 25,330

LETTER

RECEIVED

JUN 4 2001

BOARD OF PATENT APPEALS
AND INTERFERENCES

Chief Judge Bruce Stoner
Board of Patent Appeals and Interferences
United States Patent and Trademark Office
Washington, D.C. 20231

Dear Chief Judge Stoner:

following:

A Reply Brief was filed on March 1, 1999. A communication was issued from the Patent Office on March 31, 1999 advising that the Brief had been received, entered and reviewed. When my office called to check on the status of this case in April, 2001, Examiner Geetha Bansal advised that she no longer had the file in her possession, and upon checking with the Board of Patent Appeals and Interferences, discovered that they did not have the file either. She then advised my office to check back in a couple of weeks. On May 9, 2001, Ms. Bansal returned another status call from my office to advise that the U.S.P.T.O. showed the file being

*Spoke with
Mr. Dunn on
4/1/02
regarding
update on
status -
Geetha*

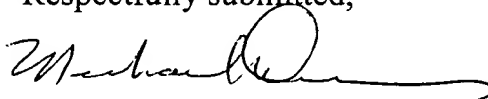
moved in June, 2000, but no one seemed to know where it was moved to. She then advised that she would have the "docket people" check and get back to us. On May 30, 2001 my office, once again made a "status call" to Ms. Bansal. At this time, Ms. Bansal advised us that the case is now at the Board of Patent Appeals and Interferences. Upon speaking with Craig Feinberg at the Board, he informed us that it will take approximately another three years before we should expect a decision.

Considering that two years have elapsed since the Reply Brief was filed and the case was in condition for docketing before the Board of Patent Appeals and Interferences, it is manifestly unfair to expect my client to wait another three years for action by the Board.

We therefore respectfully request that the docket date before the Board be moved forward two years to offset the clear error of the Patent Office in losing the file for that period of time.

Dated: May 30, 2001

Respectfully submitted,



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MLD/cah

cc: M. DeLellis